IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 20651 of 1994

Between:

Mahaveer Hospital & Research Centre Rep.by its Superintendent Dr.L.N.Rao
10-1-1,A.C.Guardsm,Hyderabad

..... PETITIONER

AND

1 The Authority under Minimum Wages Act and Asst.Commr. of Labour
Hyderabad III T.Anjaiah Karmika Samkshema Bhavan
R.T.C.X Roads Hyderabad.
2 The Asst.Labour officer Circle-No.10
T.Anjaiah Karkima Samkshema Bhavan R.T.C. X Roads
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records from the 1st respondent one in the nature of Writ of Certiorari and quash the orders passed by the 1st respondent in M.W.No.71/1993, Dt.13-7-1994 and consequential orders in M.W.No.71/93, dt.02-11-1994 as illegal, unjust, contrary to law, in violation of principles of natural justice and without jurisdiction.

Counsel for the Petitioner: MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondent No.1 & 2: GP for Labour

The Court made the following Order:

W. P. No. 20651 of 1994

This writ petition is directed against the orders passed by the Authority under the Minimum Wages Act, 1948 in Case No.MW/71/93, whereby the Authority having found that the petitioner has not deposited the minimum wages of 10 workers for a period of six months which works out Rs.7,950/-, imposed 10 times penalty.

When the writ petition came up for admission, while granting suspension of the order, this court directed the petitioner herein to deposit the actual difference of wages i.e., an amount of Rs.7.950/- and according to the learned counsel for the petitioner the said order was complied with.

According to the learned counsel for the petitioner the said order passed by the Authority under Minimum Wages Act is an *ex parte* order and the petitioner was not given any opportunity to contest the matter and as such he requested this court to remand the matter for fresh disposal.

Heard both the counsel.

On perusal of the impugned order, it appears that the matter was pending before the Authority i.e., 1st respondent herein from 17-7-1993 to 13-7-1994, i.e., almost for about an year and the petitioner did not attend the Court on the dates fixed by the Authority in order to drag on the matter, and hence the Authority was constrained to pass the order imposing the penalty at 10 times.

As per Section 20 (3) (i) of the Minimum Wages Act 1948, in the case of a claim arising out of payment of less than the minimum rates of wages, the payment to the employee of the amount by which the minimum wages payable to him exceed the amount actually paid, together with the payment of such compensation as the Authority may think fit, not exceeding ten times the amount of such excess.

In the light of the conduct of the petitioner in not prosecuting the case diligently, I am of the view that the 1st respondent is justified in imposing the penalty. However it appears that the said penalty is far excess. In view of the fact that the petitioner has already deposited an amount of Rs.7,950/- as per the interim directions of this Court, without going into the merits of the case, I dispose of this writ petition observing that the amount already paid is sufficient.

Accordingly, the writ petition is disposed of. No order as to costs.

_____

15-07-2004

rkk

To

1 The Authority under Minimum Wages Act and Asst.Commr. of Labour
Hyderabad III T.Anjaiah Karmika Samkshema Bhavan
R.T.C.X Roads Hyderabad.
2 The Asst.Labour officer Circle-No.10
T.Anjaiah Karkima Samkshema Bhavan R.T.C. X Roads
Hyderabad.

3. Two CCs to GP for Labour, High Court of A.P, High Court Buildings, Hyderabad (OUT)

4. Two CD Copies.